



July 15, 2003 CPC  
August 27, 2003 BS

STAFF'S  
REQUEST ANALYSIS  
AND  
RECOMMENDATION

03SN0281

Daniel T. Schmitt

Matoaca Magisterial District  
West line of Charter Colony Parkway

REQUEST: Conditional Use to permit a model home in a Residential (R-9) District.

PROPOSED LAND USE:

A model home (sales office) not located within a permanent dwelling is planned. Specifically, the applicant proposes to locate the model home (sales office) within a modular office unit until such time as construction of the facilities housing recreational uses proposed on the request property is complete. The model home (sales office) would then be temporarily located within the recreational facility until the project is complete.

PLANNING COMMISSION RECOMMENDATION

RECOMMEND APPROVAL SUBJECT TO THE CONDITIONS ON PAGE 2.

STAFF RECOMMENDATION

Recommend approval for the following reasons:

- A. Approval of the modular office unit would be appropriate since use of the structure is proposed temporarily.
- B. Approval of the model home (sales office) within the recreation facility would be appropriate since use of the structure is proposed temporarily and therefore would not constitute the permanent location of a sales office in a residential area.

- C. The recommended conditions are similar to Ordinance standards for model homes and further ensure the residential character of the surrounding area will be maintained.

(NOTE: CONDITIONS MAY BE IMPOSED OR THE PROPERTY OWNER MAY PROFFER CONDITIONS. THE CONDITIONS NOTED WITH "STAFF/CPC" WERE AGREED UPON BY BOTH STAFF AND THE COMMISSION. CONDITIONS WITH ONLY A "STAFF" ARE RECOMMENDED SOLELY BY STAFF. CONDITIONS WITH ONLY A "CPC" ARE ADDITIONAL CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION.)

### CONDITIONS

- (STAFF/CPC) 1. A temporary model home shall be permitted in a modular unit provided such unit shall be utilized for a maximum of 120 days from the date of approval of this request. At the end of the 120 days, the temporary sales trailer shall be removed and the temporary model home may be located within facilities housing recreational uses on the Property. (P)
- (STAFF/CPC) 2. The model home shall only be used to market the development (Charter Colony) in which it is located and shall not be used for the sale of lots or houses outside of the development (Charter Colony) in which it is located. (P)
- (STAFF/CPC) 3. The model home shall not be the primary real estate office for the company marketing the development. (P)
- (STAFF/CPC) 4. The model home shall be incidental to construction activity taking place within the development (Charter Colony). (P)

### GENERAL INFORMATION

#### Location:

West line of Charter Colony Parkway, south of North Woolridge Road. Tax ID 724-699-Part of 2736 (Sheet 5).

#### Existing Zoning:

R-9 with Conditional Use Planned Development

#### Size:

7.1 acres

Existing Land Use:

Vacant (Proposed location of recreational facilities to serve Charter Colony)

Adjacent Zoning and Land Use:

North, South, East and West – R-9 with Conditional Use Planned Development; Vacant

UTILITIES

Public Water System:

A sixteen (16) inch water line extends along the east side of Charter Colony Parkway and terminates on the north side of Rt. 288, approximately 2,500 feet north of this site. Plans for extending the public water system to serve the proposed Charter House Swim and Racquet Club, which will include the future sales office, have been submitted to the Utilities Department for review. Use of the public water system is required as a condition for zoning by the Textual Statement of General Conditions for Case 94SN0138 (Condition 4), and will be used to serve the Charter House Swim and Racquet Club.

Public Wastewater System:

There is an existing eighteen (18) inch wastewater trunk line extending along Little Tomahawk Creek approximately 1,500 feet west of this site. Plans for extending the public wastewater system to serve the proposed Charter House Swim and Racquet Club, which will include the future sales office, have been submitted to the Utilities Department for review. Use of the public wastewater system is required as a condition for zoning by the Textual Statement of General Conditions for Case 94SN0138 (Condition 4), and will be used to serve the Charter House Swim and Racquet Club.

Private Water System:

To provide temporary sales office space, a temporary trailer is proposed which will be served by a portable water service until the sales operations can be relocated to the completed club building. The Health Department must approve the proposed portable water system.

Private Wastewater System:

To provide temporary sales office space, a temporary trailer is proposed which will be served by a portable wastewater disposal system (port-a-john facilities) until the sales operations can be relocated to the completed club building. The Health Department must approve the proposed portable wastewater disposal system.

## ENVIRONMENTAL

### Drainage and Erosion:

The model home (sales office) will have a minimal impact on these facilities.

## PUBLIC FACILITIES

### Fire Service:

The Midlothian Fire Station, Company Number 5, and Forest View Volunteer Rescue Squad currently provide fire protection and emergency medical service (EMS). This request will have a minimal impact on fire and EMS service.

### Transportation:

This request will have a minimal impact on the existing transportation network.

## LAND USE

### General Plan:

Lies within the boundaries of the Route 288 Corridor Plan, which suggests the property is appropriate for office/residential mixed use to include office use, residential use of varying densities, light industrial use, and supporting small-scale retail use.

### Area Development Trends:

The request property is part of the mixed use development commonly known as Charter Colony. Charter Colony will have a mixture of residential, office, commercial and public/semi-public uses. As previously noted, the request site is planned for recreational facilities to serve the development's residential uses.

### Zoning History:

On August 24, 1994, the Board of Supervisors, upon a favorable recommendation by the Planning Commission, approved rezoning from Residential (R-15) to Residential (R-9) of 764.3 acres, from Residential Townhouse (R-TH) to Residential (R-9) of 6.2 acres, and from Residential (R-15) to Community Business (C-3) of 3.6 acres with Conditional Use Planned Development to permit use and bulk exceptions. The subject of this request is part of Tract 3 of this mixed use development, known as Charter Colony. Tract 3 is zoned Residential (R-9) with Conditional Use Planned Development to permit multi-family residential and townhouse uses; recreational uses accessory to residential uses; and private schools.

Current Request:

In residential districts, model homes (sales offices) are permitted provided that, in addition to its permanent use as a dwelling, such home may be used as a temporary real estate office. In this case, the temporary sales office is proposed to be located first within a modular office unit and then within the facilities housing recreational uses on the request property. Since the modular office unit nor the planned recreational facilities are dwellings, sales would not be permitted. This request seeks to permit the temporary sales within these structures. Condition 1 establishes these uses as temporary.

The Zoning Ordinance further permits model homes (sales offices) in a residential district provided that the office only markets property within the development where it is located; the office is incidental to construction activity taking place within the development; the office is not the primary real estate office for the company marketing the development; and, the office is not used as a construction office or for the storage of construction equipment and/or materials. Conditions are recommended herewith to ensure these restrictions of the Ordinance are met in this case. (Conditions 2, 3 and 4)

CONCLUSIONS

While staff would not typically support the location of a modular office unit within a residential area because it fails to be compatible with planned residential dwellings, in this case approval of the modular office unit would be appropriate since use of the structure is proposed temporarily. Likewise, approval of the model home (sales office) within the recreational facility would be appropriate since use of the structure is proposed temporarily and therefore would not constitute the permanent location of a sales office in a residential area. The recommended conditions are similar to Ordinance standards for model homes and further ensure the residential character of the surrounding area will be maintained.

Given the foregoing, approval of this request is recommended.

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CASE HISTORY

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Planning Commission Meeting (7/15/03):

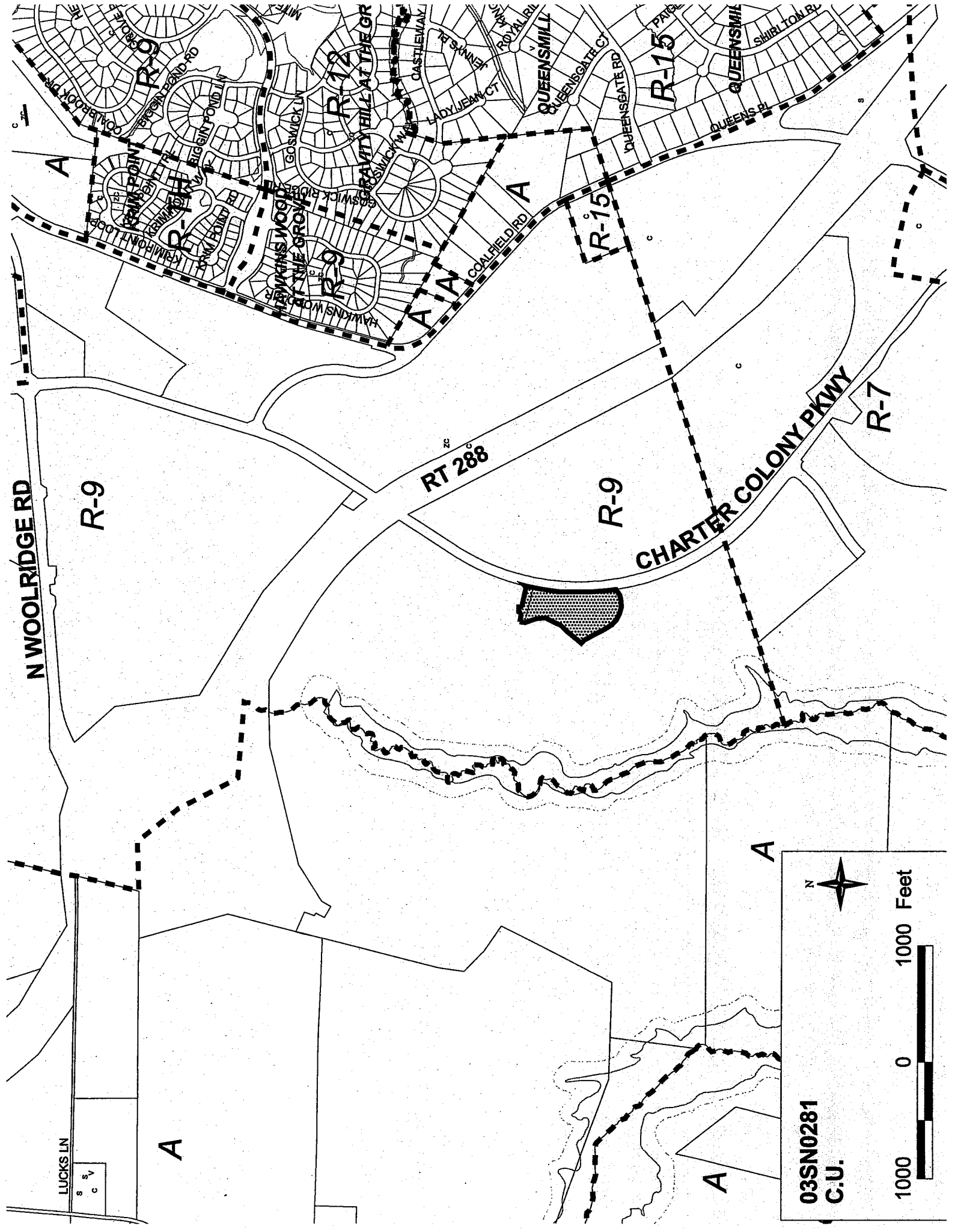
The applicant accepted the recommendation. There was no opposition present.

On motion of Mr. Stack, seconded by Mr. Cunningham, the Commission recommended approval, subject to the conditions on page 2.

AYES:           Unanimous.

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The Board of Supervisors, on Wednesday, August 27, 2003, beginning at 7:00 p. m., will take under consideration this request.



N WOOLRIDGE RD

R-9

RT 288

R-9

CHARTER COLONY PKWY

R-7

R-15

R-15

R-12

R-9

QUEENSMILL

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1000 Feet



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